



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

NUISANCE ABATEMENT PLAN

Licensee: Saleh Jaber, Inc.

Premises: 10 North Kilbourn Avenue
Chicago, Illinois 60624

License: Retail Food Establishment; Filling Station; Retail Tobacco.

Account: 273363

The Superintendent of the Chicago Police Department, through his command staff, determined that summary closure of the premises pursuant to Municipal Code of Chicago § 4-4-285 was warranted on **April 9, 2021**, pursuant to an investigation about a violent incident occurring at the premises on **April 8, 2021**. The City of Chicago having filed case **21 SC 1**, pursuant to the Licensee's written request for a probable cause and nuisance abatement hearing, the Licensee has presented this nuisance abatement plan in an effort to mitigate against the threats to public safety arising from this violent incident. The City of Chicago and the above named Licensee have agreed to the following Nuisance Abatement Plan:

1. **Effective Date** - This Nuisance Abatement Plan is effective beginning 5/21/2021, 2021. Licensee shall not re-open until this Nuisance Abatement Plan is executed by both the Licensee's representative and a representative of the Department of Business Affairs and Consumer Protection.
2. **May 28, 2019 - Plan of Operation** – The conditions in Paragraph 3, "Restricted Hours of Operation" and Paragraph 4, "Security of this Nuisance Abatement Plan", supersede the conditions set forth in the Plan of Operation executed between the Parties on 5/28/2019. All other provisions of the 5/28/2019 Plan of Operation remain in full force and effect.
3. **Restricted Hours of Operation** – The premises shall be open for business only during the hours of 6:00 A.M. until 9:00 P.M. Sixty (60) days after the re-opening of the premises, the licensee and their representative can contact the Chicago Police Department and the Department of Law, to schedule a meeting to review its operation under the Nuisance Abatement Plan and discuss potential modifications with respect to the permitted hours of operation.



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

4. **Security** - The Licensee shall retain a new, reputable, licensed and bonded security firm to provide security as outlined in this Nuisance Abatement Plan. The Licensee shall have the new security firm in place, with the requisite staffing levels as outlined below, prior to the re-opening of the premises. The new security firm shall provide the following:

- One (1) unarmed security officer shall be on duty and patrol inside and outside the premises from 6:00AM to 4:00PM.
- Two (2) armed security officers, with proper authorization to carry firearms, shall be on duty at 4:00PM to 9:00PM. One armed security officer shall patrol the interior of the premises, and one security officer shall patrol the exterior of the premises.
- Licensee shall submit contracts with the security company and any amendments or renewals to the Commander of the 011th District or to the Commander's designee;
- The security guards shall have a visible presence outside the establishment.
- The security guards shall be attired in clothing that makes them easily identifiable as security, such as vests or jackets marked "Security";
- The security guards shall patrol the interior and exterior areas of the Premises and the parking lot around the filling station to ensure customers conduct themselves in a lawful manner, discourage parking by non-patrons, and eliminate loiterers;
- The security guards shall take affirmative steps to prevent fighting, disturbances of the peace, public intoxication, unruly behavior, and all other criminal activity;
- The security guards shall take affirmative steps to eliminate loiterers so that the sidewalks, entrance, and alleyway to the premises are not impeded;
- The security guards call 911 to report any fights, unruly behavior, and all other criminal activity;



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

- Licensee and security guards shall urge and prohibit loiterers NOT to congregate on the public way in front of or on the side of the business and shall call 911 if loiterers fail to move after being warned to do so. Licensee agrees to report illegal activity including but not limited to loitering in or adjacent to the business premises and sign complaints against loiterers for trespass;
 - Maintain an incident log in which all 911 calls are recorded for CPD, BACP, and other City departments' inspections; log shall be kept on the licensed premises for a period of one year and immediately made available to CPD and BACP upon request;
 - The security guards, licensee, and its agents/employees shall be willing to sign complaints and testify as necessary;
 - Sixty (60) days after the re-opening of the premises, the licensee and their representative can contact the Chicago Police Department and the Department of Law, to schedule a meeting to review its operation under the Nuisance Abatement Plan and discuss potential modifications in security guard coverage.
5. **Parking Lot/Filling Station** – Licensee shall require the security guards to frequently patrol the parking lot around the filling station to discourage parking by persons who are not customers of the store.
6. **Trash and Garbage Disposal** – The Licensee shall clean-up and maintain a clean business premises, including the following:
- Licensee shall remove litter and debris from the area outside and adjacent to the store as needed.
 - Licensee shall contract with a licensed waste management/scavenger service to ensure that all trash generated in conjunction with the Licensee's business activities is picked up.



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

- The Licensee shall maintain a regular schedule of cleaning at least twice each day.
 - The Licensee shall maintain a log with times and dates of daily cleaning for city inspection.
 - All trash or recycling dumpsters shall be at all times locked.
7. **Outdoor Lighting** - The Licensee shall install and maintain adequate lighting on all sides of the licensed premises, including the parking lot, sides, and rear of the establishment.
8. **Cleanliness of Business Premises** Licensee shall clean-up and maintain clean business premises. Licensee agrees to remove litter and debris from the area outside and adjacent to the store at least twice daily:
- Licensee shall power wash the exterior of the premises quarterly;
 - Licensee shall maintain a log with times and dates of daily cleaning for the City inspection;
 - Licensee shall contract with a licensed waste management/scavenger service to ensure that all trash generated in conjunction with the Licensee's business activities is picked up at least three (3) times per week; and
 - All trash or recycling dumpsters shall be kept locked at all times.
9. **Posting and Signage** –
- Licensee agrees to include the business' current name in any advertising signs;
 - Licensee shall abide by MCC §13-020-550 which limits advertising signs on exterior-facing windows to no more than 25% of any single window, and allowing unobstructed view into the interior of the premises;
 - Licensee shall post and maintain:



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

- i. A copy of the duly executed Nuisance Abatement Plan in a conspicuous manner and at a conspicuous place.
- ii. "No Trespassing" signs on the premises exterior and the parking lot. Furthermore, Licensee shall post such signs in a conspicuous location on the exterior and interior of the premises near the front door, on the fence, and on the filling stations that prohibit loitering, panhandling, solicitation and indicating video recording.
- iii. Store policies including, but not limited to, refund, return and check-writing policies in a conspicuous manner on a sign at each cash register and at the customer service desk or other centrally located areas accessible to the public. If Licensee has a credit or debit card policy imposing a minimum charge for use of a credit or debit card, such policy must also be posted in a conspicuous manner.
- iv. A sign in a conspicuous location inside the Licensed Premises that reads "It is a Violation of the Law for Cigarettes or Other Tobacco Products or Tobacco Accessories to be Sold to Any Person Under the Age of 21. Any Person Who Violates This Law is Subject to a Fine and Possible Imprisonment."

10. Security Cameras - The Licensee represents that Licensee has installed a total of 17 cameras (6 exterior cameras of which three cameras are compatible and shall be connected to OEMC and 11 interior cameras of which one camera is compatible and shall be connected to OEMC) and shall maintain video surveillance cameras (the cameras) of type, placement, and inside locations conforming to the following:

- The cameras can view and record persons on the public way and as they enter the parking lot or the filling station;
- At least two exterior cameras facing Kilbourn Avenue and the empty parking lot in front of the Premises.
- The cameras shall be sufficiently light-sensitive to provide sufficient image resolution to produce clearly discernable images;



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

- The images recorded by the cameras are capable of being viewed through use of compact disk, electronic file transfer and other digital media and are capable of being transferred to a variety of portable form of media, including, but not limited to compact disc and digital video disc;
 - All camera recordings shall be stored at the licensee premises in a secure manner within its office, the access to which shall be limited to authorized Licensee personnel;
 - All camera recordings shall be stored at the Licensee premises in a secure manner within its office, the access to shall be limited to authorized Licensee personnel
 - The cameras and recordings shall be made available to the Chicago Police Department, BACP, and the City of Chicago (the City) and its personnel immediately upon request;
 - The Licensee agrees to connect and maintain the connection of the cameras to the Chicago Police Department (CPD) Office of Emergency Management ("OEMC").
11. **No Loitering or Trespassing Tolerated** – The Licensee shall urge loiterers not to congregate on the public way in front of or on the side of the business. The Licensee shall ban unauthorized people from loitering and trespassing and shall enforce the ban by instructing unauthorized people to leave and calling the police if they do not obey. For purposes of this plan, loiterers and trespassers are persons who do not purchase products.
12. **911 & Incident Logs** – The Licensee shall keep and maintain a Log (listing) of all calls to 9-1-1 and an Incident Log on which the owner and / or employees record any illegal activity observed inside or outside of the Licensed Premises. Both logs shall be kept on the licensed premises for a period of one year and made available to CPD or BACP (Business Affairs and Consumer Protection) upon request.
13. **Cooperation with Chicago Police Department** – The Licensee shall attend (or have a representative attend) all C.A.P.S. (Community Alternative Policing Strategy) beat meetings and other similar CPD sponsored meetings to improve awareness with



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

community concerns of problems within the neighborhood. The Licensee shall cooperate with the police department in any and all incident investigations.

14. Community Participation – The Licensee shall work with the local alderman and community groups to address any issues with the operation of the business.

15. Receipts – Licensee agrees that it is familiar with, and shall abide by the Rules and Regulations for Retailers, including Rule 32, which requires the licensee to supply a written receipt for each transaction that contains at a minimum, the date and amount of the transaction, and the name and location of the retailer.

16. Posting of Warning Signs to Minors - The Licensee is familiar with, and shall abide by Chapter 4-64-360 of the City of Chicago Municipal Code and will display a sign in a conspicuous location inside the Licensed Premises that reads “It Is A Violation Of The Law For Cigarettes Or Other Tobacco Products or Tobacco Accessories To Be Sold To Any Person Under The Age Of 21. Any Person Who Violates This Law Is Subject To A Fine And Possible Imprisonment.”

17. Tobacco Sales –

- Licensee is familiar with, and shall abide by Chapter 4-64-345 of the City of Chicago Municipal Code and will not sell tobacco products or tobacco accessories to any individual under the age of 21 years. Licensee shall institute a strict, written policy which will require employees to check the identification of all patrons purchasing tobacco to ensure compliance with the MCC. Given that Licensee is responsible for the acts of its employees, Licensee will ensure that every employee is trained to follow this policy regarding requesting identification of all persons purchasing such tobacco merchandise prior to any employee working behind the register.
- Licensee is familiar with, and shall abide by Chapter 4-64-350 of the City of Chicago Municipal Code, which prohibits offering for sale or selling any cigarette or tobacco that is not in its original factory-wrapped package.
- Licensee is familiar with, and shall abide by Chapter 7-32-010 of the City of Chicago Municipal Code, which includes electronic cigarettes in the definition



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

of tobacco products thereby subjecting E-cigarettes to the same restrictions as other tobacco products.

18. Sale of Outdated Products Prohibited – Licensee agrees that it will not stock, display or sell merchandise, including but not limited to infant formula, food or over-the-counter medications, that is outdated or past the “sell-by” date on the packaging or container.

19. Criminal Trespass Affidavit – Licensee shall execute a Criminal Trespass Affidavit.

The terms and conditions of this Nuisance Abatement Plan are legally binding and may be enforced by City of Chicago enforcement authorities. Violations of the above-stated terms and conditions may result in the imposition of a fine and/or suspension or revocation of all business licenses issued to the licensee. Violations of the above-stated terms and conditions may also result in the issuance of cease and desist orders prohibiting the activity which violates the conditions of the licenses.

The terms and conditions of the Nuisance Abatement Plan shall apply to the business address and licensee and to all officers, managers, members, partners and direct or indirect owners of the entity which is licensed. The sale of the business to other persons purchasing the stock of the licensed entity shall be subject to the same terms and conditions set forth in this plan of operation.

It shall be the duty of every person conducting, engaging in, operating, carrying on, or managing the above-mentioned business entity to post this Nuisance Abatement Plan next to the business license certificates in a conspicuous place at the business address.

Licensee: Saleh Jaber, Inc.
10 North Kilbourn Avenue
Chicago, Illinois 60624



CITY OF CHICAGO



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION

By:  DocuSigned by: DFB2E78697C1486 Date: 5/21/2021
Nagi Saleh, President

And

By:  Date: 5-21-2021
Tamara Starks, Deputy Commissioner
Business Affairs and Consumer Protection